

The Senate Ethics Committee offered the following substitute to SB 179:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to repeal the prohibition against persons acting on behalf of a public utility regulated by the Public Service Commission contributing to political campaigns; to prohibit public utilities regulated by the Public Service Commission from contributing to Public Service Commission candidates or campaign committees for such candidates; to prohibit electric membership corporations from contributing to political campaigns; to provide penalties for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, is amended by revising subsection (f) of Code Section 21-5-30, relating to contributions made to candidate or campaign committee or for recall of a public office, as follows:

~~“(f) A person acting on behalf of a public utility corporation regulated by the Public Service Commission shall not make, directly or indirectly, any contribution to a political campaign. This subsection shall not apply to motor carriers whose rates are not regulated by the Public Service Commission. Any person who knowingly violates this subsection with respect to a member of the Public Service Commission, a candidate for the Public Service Commission, or the campaign committee of a candidate for the Public Service Commission shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed \$10,000.00, or both, and any person who knowingly violates this subsection with respect to any other public officer, a candidate for such other public office, or the campaign committee of a candidate for such other public office shall be guilty of a misdemeanor~~ Reserved.”

SECTION 2.

Said article is further amended by revising Code Section 21-5-30.1, relating to contributions by regulated entities to elected executive officers or candidates, as follows:

"21-5-30.1.

(a) Except as otherwise provided in this subsection, the definitions set forth in Code Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this Code section, the term:

(1) 'Campaign committee' means the candidate, person, or committee which accepts contributions to bring about the nomination for election or election of an individual to the office of an elected executive officer.

(2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money, or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of an individual to the office of an elected executive officer or encouraging the holder of such office to seek reelection. The term 'contribution' shall include the payment of a qualifying fee for and on behalf of a candidate for the office of an elected executive officer and any other payment or purchase made for and on behalf of the holder of the office of an elected executive officer or for or on behalf of a candidate for that office when such payment or purchase is made for the purpose of influencing the nomination for election or election of the candidate and is made pursuant to the request or authority of the holder of such office, the candidate, the campaign committee of the candidate, or any other agent of the holder of such office or the candidate. The term 'contribution' shall not include the value of personal services performed by persons who serve on a voluntary basis without compensation from any source.

(3) 'Elected executive officer' means the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, ~~and~~ Commissioner of Labor, and members of the Public Service Commission.

(4) 'Political action committee' means any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations aggregating in excess of \$1,000.00 during a calendar year from persons who are members or supporters of the committee and which distributes these funds as contributions to one or more campaign committees of candidates for public office. Such term does not mean a campaign committee.

(5) 'Regulated entity' means any person who is required by law to be licensed by an elected executive officer or a board under the jurisdiction of an elected executive officer, any person who leases property owned by or for a state department, ~~or~~ any person who engages in a business or profession which is regulated by an elected executive officer or

by a board under the jurisdiction of an elected executive officer, or any public utility corporation regulated by the Public Service Commission.

(b) No regulated entity and no person or political action committee acting on behalf of a regulated entity shall make a contribution to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate. Any corporate contributions from a regulated utility shall not be included as recoverable costs in any rate making or rate setting proceedings before the Georgia Public Service Commission.

(c) Notwithstanding any other provision of law to the contrary, no regulated utility that is also operating as an electric membership corporation under the provisions of Code Section 46-3-170 and no nonprofit corporation, group, or association, the membership of which consists of regulated utilities which are also operating as electric membership corporations under the provisions of Code Section 46-3-170, shall be authorized to make any contribution to a political campaign. This subsection shall not be construed to prohibit any public utility from establishing, administering, and soliciting contributions for a political action committee from officers, directors, employees, agents, contractors, and members of any such entities so long as such actions and contributions do not otherwise violate the provisions of this chapter.

~~(c)~~ (d) No person holding office as an elected executive officer and no candidate for the office of an elected executive officer and no campaign committee of a candidate for the office of an elected executive officer shall accept a contribution in violation of subsection (b) of this Code section.

~~(d)~~ (e) Nothing contained in this Code section shall be construed to prevent any person who may be employed by a regulated entity, including a person in whose name a license or lease is held, from voluntarily making a campaign contribution from that person's personal funds to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate. It shall be unlawful and a violation of this Code section for any regulated entity or other person to require another by coercive action to make any such contribution.

(f) Any person who knowingly violates this Code section with respect to a member of the Public Service Commission, a candidate for the Public Service Commission, or the campaign committee of a candidate for the Public Service Commission shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed \$10,000.00, or both; and any person who knowingly violates this Code section with respect to any other public officer, a candidate for such

1 other public office, or the campaign committee of a candidate for such other public office
2 shall be guilty of a misdemeanor."

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.